

House Committee Activity: February 17 - 18, 2004

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Division:**

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Conservation and Environment
Transportation

Matt Barnes

Agriculture
Commerce

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Judiciary

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Tuesday, February 17, 2004. House and Senate members listen carefully to Governor Bredesen as he unveils his TennCare reform plan. The proposed changes call for savings over the next several years in the state's share of the cost of the program.

In This Week's Review:

House Committee Activity

And

Summaries of Budget Hearings

**Financial Institutions • Attorney General • ECD • Agriculture
THDA • Tourist Development • Correction • Probation & Parole**

Agriculture

Matt Barnes

Full Committee

The **Agriculture Committee** met Tuesday, February 17, to consider two bills. **HJR 774** (Brooks, Henri) was rolled for one week at the sponsor's request. The resolution expresses the General Assembly's support for the Black Farmers and Agriculturalists Association (BFAA) in its efforts to remedy past discrimination against black farmers by the U.S. Department of Agriculture (USDA). Rep. Shaw wondered, since it is a federal issue, how in-depth the Tennessee General Assembly could go in looking at it. Rep. Brooks acknowledged that no state has jurisdiction over the matter since it is a federal issue but stressed that Tennessee could still support the BFAA by passing the resolution. She provided the committee with the Consent Decree entered into to settle a class action suit brought by black farmers, as well as the judge's opinion. Chairman Davidson said the committee would need some time to review the information provided. Louis Buck, of the Tennessee Farm Service Agency of the USDA, was present at the committee but did not speak.

HB 2548 (Fowlkes) states it is a Class C misdemeanor for a person, after notice is given, to allow his or her dog to enter another person's premises repeatedly. Rep. Fowlkes claimed this bill simply amends a current law that dates back to 1901. He recently spoke at a conference of public defenders, several pointing out this statute has been abused in recent years. Current law states it is a Class C misdemeanor for a person to allow his or her dog to enter another's premises, violations of which amount to up to 30 days in jail and a \$50 fine. Rep. Fowlkes said many are using this law just to get back at their neighbors and that his bill simply requires notice and states the act must be done repeatedly. He pointed out the current penalties and exemptions (dogs on a hunt, dogs driving cattle, etc.) are staying the same. Rep. Dunn suggested that notice be in written form. The committee adopted such as an amendment and passed the bill to Calendar and Rules.

The **Agriculture Subcommittee** did not meet.

Children & Family Affairs

Shannon Romain

The Full Committee

The **Children and Family Affairs Full Committee** met this week, however, there were no bills on the calendar.

Fred Miller, right tackle for the Tennessee Titans, and his wife Kimberly testified before members on Nurses Newborns, a non-profit volunteer nursing program they began in Tennessee two years ago. The program is fully funded and operated by the Millers and works in conjunction with various state and community agencies to provide nursing services for underprivileged and disadvantaged newborns and their parents.

Family Justice Subcommittee

Two bills were referred to the full committee from the **Family Justice Subcommittee**. **HB 2546** and **HB 2787** both by **Rep. Fowlkes** received unanimous votes. **HB 2546** gives juvenile court judges the discretion to request a placement review hearing with the Department of Children's Services within 90 days after a court order placing a child in state custody. Chairman Fowlkes explained that the legislation was necessary because some judges have ordered the placement of children in designated facilities only to discover that the children were never placed in those facilities or that they had been removed to other facilities. While the bill permits courts to request the hearings and make recommendations to the department, it does not require the department to implement the recommendations. The sponsor noted, however, that heretofore, the department has accommodated the court's recommendations when feasible.

HB 2782 amends the law passed last year permitting a parent to create a power of attorney giving temporary custody of a child to another person. Under the present law, a parent may create a power of attorney giving custody to a designated individual if the parent is experiencing specific statutorily defined hardships. In addition to the statutorily defined hardships, **HB 2782** permits a Local Education Agency to also make determinations on a case-by-case basis as to whether or not situations that do not fall within the definition may be deemed hardships for the purposes of permitting a child to enroll in a school outside the child's designated district.

The following bills were deferred two weeks:

HB 2845 (Rep. Buck)

HB 2579 (Rep. Bowers)

HB 2739 (Rep. Bunch)

Domestic Relations Subcommittee

The two bills on the **Domestic Relations Subcommittee** calendar, **HB 3026 (Rep. Buck)** and **HB 2425 (Rep. McCord)**, were both deferred for one week.

Commerce

Matt Barnes

Full Committee

The **Commerce Committee** met Tuesday, February 17, to consider four bills.

- Passed to Calendar and Rules:

HB 2186 (McKee) revises nonforfeiture requirements for individual deferred annuities. Presently, there is a fixed statutory rate of interest. This bill creates a formula or an index plan for establishing minimum nonforfeiture amounts on any paid-up annuity, cash surrender or death benefit under an annuity contract. Rep. McKee said the bill comes as a result of a national conference of actuaries and that 21 states have already changed their laws associated with this issue. He further stated the bill allows for flexibility in the way annuities are offered and applies only to new policies.

HB 2520 (Turner, M.) clarifies that firefighters meeting certain requirements are eligible for educational incentives rather than bonuses. The bill further authorizes members of the Commission on Firefighting Personnel Standards and Education to remain on the commission until a new member is appointed.

- Rolled for one week:

HB 2519 (Turner, M.) raises per diem payments for members of the Commission on Firefighting Personnel Standards and Education from \$50 to \$100, removing the \$300-per-year cap on commission members who assist local units or attend meetings. The bill also adds travel expenses for those commission members attending the meetings. An Industrial Impact Subcommittee amendment to the bill specifies that the per diem and travel allowance is subject to funding available within the Commission's budget.

HB 2597 (Curtiss) requires surveyors to search the land records on the land to be surveyed, as well as the adjoining land, and compare such records to the actual field survey, noting any inconsistencies to ensure the boundaries are true. The sponsor planned to bring an amendment to address some of the concerns expressed over the bill, but the amendment was not ready.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Tuesday, February 17, with four bills on calendar. **HB 2870**

(Shepard) generated most of the discussion during the meeting. Presently, issuers of health insurance and managed health insurance are prohibited from denying any licensed pharmacy or pharmacist from participating in plans under the same terms and conditions as other pharmacy providers. This bill says no "entity" may deny that right to participate and expands "entity" to include "an employee welfare benefit plan (as defined by federal law), any insurance company, a hospital service corporation, a health maintenance organization, a healthcare center, the state or its political subdivisions, prepaid plans, and all other corporations, entities, or persons including a natural person." The bill also says no entity may deny the right to participate at the same reimbursement rate, and on the same terms and conditions related to cost, as offered to other providers. Those representing the insurance side had concerns that centered primarily on the definition of "entity". The bill was moved to the full committee, where members agreed it would require further discussion.

Even though HB 2870 was sent to full committee, Rep. Shepard assured the committee that he would not move the bill until **HB 2871**, another bill on the calendar, is worked out. HB 2871 extends to insurance policies "issued by the state or its political subdivisions" the provision that keeps them from requiring persons under such plans to get prescriptions from a mail-order pharmacy or pay an additional fee for not using a mail-order pharmacy designated by the company or other issuer. To work on the language, Rep. Shepard rolled HB 2871 for one week. Both bills directly relate to this past summer's contract offering mail-order pharmacy benefits to employees.

The remaining two bills on the calendar were also rolled. **HB 2328** (Harrison), which requires TennCare MCOs and BHOs to contract with Federally Qualified Health Centers as facilities, was rolled. **HB 0022** (Turner, M.), which prohibits the practice of scoring by insurance companies, will be put on a later calendar with other similar bills.

Small Business Subcommittee

The **Small Business Subcommittee** met on Wednesday, February 18, with two bills on calendar. **HB 2275** (Brooks, Harry), which allows correctional officers who have completed basic correctional training programs to be issued "unarmed security guard/officer" registration cards without completing additional training for such cards, was passed to full committee. **HB 2772** (McCord), which prohibits a person from holding

a time-share salesperson license and acquisition agent license at the same time, was rolled one week.

Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** met on Tuesday, February 17, to consider two "Do Not Call" bills. **HB 2517** (Turner, M.), which exempts communications made on behalf of 501(c)(3) organizations and members, volunteers, and direct employees of such organizations, was rolled one week. **HB 2400** (Hargrove), as amended, exempts licensed real estate brokers, affiliate brokers, and time-share persons. Rep. Hargrove said 26 other states have already passed such a law because real estate brokers are not telemarketers. Rep. Yokley pointed out real estate brokers must be exempt from the law in order to make a living. Rep. McCord further stated those exempt under the bill must be *licensed* brokers and that telephone solicitation shall not be farmed out to those not licensed. The bill passed as amended to full committee.

Conservation & Environment

Greg E. Adkins

Full Committee

The **full Environment Committee** met on Tuesday, February 17, 2004, and considered two bills. The committee also listened to Betsy Child, Commissioner of the Department of Environment and Conservation, about the direction of the Department. She outlined major new initiatives in the Department, including but not limited to air quality, water quality, the underground storage tank program, and park issues. Commissioner Child also stated the Department is focusing on taking a more proactive approach to environmental issues instead of a reactive approach.

HB 2620 by Rep. McDonald was taken off notice; the bill would allow all commissioned employees of TDEC to retire by the age of sixty instead of sixty-two. **HB 2206** by Rep. Matheny was rolled one week. The bill increases the criminal penalty for hunting on or across a public road from a class C misdemeanor (not greater than thirty days in jail or a fine not to exceed \$50 or both) to a class A misdemeanor (not greater than eleven months and twenty-nine days in jail or a fine not to exceed \$2,500 or both).

Environment Subcommittee

The **Environment Subcommittee** was cancelled and did not meet on Tuesday, February 17, 2004.

Parks Subcommittee

The **Parks Subcommittee** was cancelled and did not meet on Wednesday, February 18, 2004.

Wildlife Subcommittee

The **Wildlife Subcommittee** met on Tuesday, February 17, 2004, and considered one bill. **HB 2731** by Rep. Bunch passed to full committee. The bill permits minors under the age of eighteen to obtain a hunting and fishing license without proof of a social security number.

Consumer & Employee Affairs

Shannon Romain

The Full Committee

In the full committee, a second amendment was adopted to **HB 1941 (Rep. Newton)** and the bill was referred to Calendar and Rules. As amended, the bill codifies a recent Tennessee Supreme Court ruling on the calculation of unemployment benefits for temporary partial disabilities. The court held that for purposes of calculating unemployment benefits, "wages" were to be defined as "hourly pay," and that calculations should be based on "weekly wages" over a 52-week period prior to the injury. Justice Adolpho Birch encouraged the legislature to determine the appropriate definition and calculation if it did not agree with the court's holding. Consequently, the amended bill clarifies that benefits will be calculated using the "average weekly wage" over a 52-week period, and revises the effective date of the legislation from July 1, 2003 to July 1, 2004. There was some discussion on whether or not the legislation would result in lower benefits for injured employees. Rep. Clem stated that, in fact, it could, but that in most instances it would result in the receipt of higher benefits. Linda Hughes, Executive Director of the Worker's Compensation Advisory Committee, testified that the advisory committee, which rarely unanimously agrees on proposed revisions, came to a unanimous vote on the bill because members agreed that the new calculation was in the best interest of the employee.

Employee Affairs Subcommittee

In the **Employee Affairs Subcommittee**, **HB 0015 (Rep. M. Turner)** was taken off notice. **HB 2754 (Rep. Vaughn)** was referred to the full committee. The legislation requires employers to give 10 days notice prior to terminating employee benefits, including, but not limited to pension plans and health insurance. The notice requirement will only apply to businesses that terminate more than 50 employees within a 3 month period and is not intended to have any impact on small business.

There were no bills on the **Consumer Affairs Subcommittee** calendar and the committee did not meet.

Education

Pam Mason

The Full Committee

The Committee's calendar had one bill for consideration and a presentation.

Referred to Calendar & Rules:
HB 2934 - (Rinks) Clarifies that school boards can extend contract of director of schools only if prior notice is given and it is a specific item on the meeting agenda.



*Secretary Towns, Atty. Hollings,
Chairman Winningham*

Representative McMillan was recognized to introduce Dr. Sandra Husk, Director of the Clarksville/Montgomery County school system. Dr. Husk addressed the members on the Stupski Foundation and its involvement with their system. The Foundation is a non-profit operation working to ensure all children in America, regardless of race or income, access to a high

quality public education. Representatives from Stupski also spoke to the Committee.

K-12 Subcommittee

The only item discussed at the Subcommittee's Tuesday meeting was **HB 2270**, Turner, M. This legislation would delete the Tennessee Value Added Assessment System (TVAAS). Dr. Pedro Garcia, Director of the Nashville Public School System, addressed this issue and his support for this change. The bill was referred to Full Committee to be scheduled for March 3. Chairman Winningham stated that a hearing would be held at that time to hear from all interested parties on the matter.

Deferred 1 week:

HB 2262 - (Cooper)
HB 2652 - (Cooper)
HB 2685 - (Curtiss)
HB 2862 - (Brooks, Harry)
HB 2635 - (Montgomery)
HB 0988 - (Maddox)

Deferred 2 weeks:

HB 2642 - (Winningham)

Higher Ed Subcommittee

The Higher Education Subcommittee took the following actions in its Tuesday meeting.

Referred to Full committee:

HB 233 - (Bone) Enacts "Tennessee National Guard Tuition Act."
HB 180 - (Stanley) Allows children of a parent employed as a teacher's aide to receive 25 percent higher education discount.
HB 2437 - (Litz) Renames the University of Tennessee agricultural extension service to be the "University of Tennessee extension".

Deferred 1 week:

HB 2243 - (Shepard)
HB 2686 - (Curtiss)
HB 2684 - (Curtiss)
HB 2689 - (Curtiss)
HB 2690 - (Curtiss)
HB 2691 - (Curtiss)

Finance, Ways & Means

Julie Travis

The Full Committee

Tuesday, February 17, 2004

The full committee met to discuss **HB 2921**, the only bill on calendar this week, which was referred to Calendar and Rules.

HB 2921 (by Rep. L. Miller) clarifies the current law, as it provides that monies in the Risk Management Fund will not revert to the General Fund, but will remain in the fund for the sole purpose for which the fund was created. The Risk Management Fund services potential claims for which the State is exposed; this includes general liability, automobile liability, professional malpractice, and workers' compensation.

The committee also continued with Budget Hearings, reviewing the budgets from the Department of Veterans Affairs and the Department of Revenue. These budget hearing summaries will be included in the February 26th edition of *The Research Review*, along with summaries for departments who presented their budgets on Wednesday, February 18th and Thursday, February 19, 2004.

Budget Subcommittee

Wednesday, February 18, 2004

The Budget Subcommittee of the House Finance, Ways, and Means Committee met to discuss 13 bills on calendar this week. Four of those bills (**HB 2172**, **HB 2763**, **HB 2159**, and **HB 1611**) were referred to the full committee. These bills are described as follows:

HB 2172 (Rep. M. Turner) would require that upon transfer of tax exempt property, both the transferor and transferee report to the assessor of property a change in use or ownership that renders the property taxable. The



Chairman Fitzhugh, Rep. Garrett

transferee would be personally liable for taxes, penalty and interest from the date of transfer to the date of notification of the assessor.

HB 2763 (Rep. Fitzhugh) specifies that the balance in the collateral pool for public deposits must not exceed 110 percent of the *average daily balance* during the preceding twelve months.

HB 2159 (Rep. McDaniel) provided for the installation of highway signs designating a 3-mile section of I-40 in Henderson County as the memorial highway for the late Mr. Lofton Eugene Gateley.

HB 1611 (Rep. West), as amended by the House Consumer and Employee Affairs Committee, permits an employee to choose from an employer-designated group of three or more reputable physicians/surgeons from the same community and who are not in association with one another, and would require that in cases involving a back injury, a chiropractor be added to the group. To help prevent over-billing, the bill, as amended, limits an employer's liability to those charges which are similar to those by other doctors in the community giving similar treatments. It also limits an employee to twelve visits for each approved back injury. The provisions relating to back injuries do not apply to state or local government employees or to workers' compensation self-insurer pools. The provisions of the bill as amended would also sunset on June 30, 2005.

Other action taken within the subcommittee:

HB 779 (Rep. Patton) was rolled for four weeks. **HB 2169** and **HB 2522** (both by Rep. M. Turner) were rolled for three weeks. Those bills that were rolled for one week include: **HB 2176** (Rep. M. Turner), **HB 2244** (Rep. Shepard), **HB 2143** (Rep. Matheny), and **HB 1275** (Rep. Patton). **HB 2148** (Rep. Matheny) was referred to the Committee on Pensions and Insurance. Only one bill (**HB 2147**, by Rep. Matheny) was taken off notice.

Government Operations

Kristina Ryan

The Government Operations Committee reconvened Thursday, February 12th after Calendar & Rules



Committee to *Chairman Kernell* send **HB 3250 (Tindell)** to the State and Local Government Committee. The legislation was amended to provide rulemaking in order to verify 501(c) 3 status and application information.

On Tuesday, February 17, 2004, the Government Operations Committee met to consider twelve bills. **HB 2794 (Ferguson)** was rolled for two weeks, **HB 2864 (Miller)** was rolled one week, **HB2450 (Kernell)** was rolled for two weeks, **HB 2259 (Cooper)** was rolled for two weeks and **HB 2608 (McDaniel)** was taken off notice.

HB2434 (Ferguson) was sent to the Commerce Committee. This bill establishes the Tennessee Home Inspection Commission, which would provide regulation and licensure for home inspectors. Current law requires that only home inspectors for new homes must be licensed, whereas this legislation would require home inspectors for old and new homes to be licensed by this board. This legislation also provides a sunrise provision to the commission.

HB 3026 (Hargrove) was referred to the Health and Human Resources Committee. This legislation expands the eligibility of primary care and sub-specialty physicians to participate in the waiver of the foreign residence requirement for physicians who are aliens. This legislation would allow public necessity rules.

HB 2888 (Todd) was referred to the Judiciary Committee. This bill is a housekeeping bill that would delete code sections in the change of entity from the recently sunset Tennessee Victims' Coalition to the Victims' of Crime State Coordinating Council.

HB 3210 (Newton) was sent to the Education Committee. This bill would create a system of grants and technical assistance within the Department of Education for after-school educational programs for both public and not-for-profit entities with left over monies from the lottery. The State Board of Education would be responsible for administering these grants as well as rulemaking upon the recommendation of the commissioner.

HB 2581 (Davis) was referred to the Judiciary Committee. This legislation would enact the Tennessee Health Care Decisions Act, which would modify current statutes regarding living wills, durable powers of attorney for health care and would change the Do Not Resuscitate orders. The Board for Licensing Health Care Facilities would be responsible for creating the rules and regulations for implementing this legislation.

Sunset Extensions

HB 2449 (Kernell) - Reauthorize Department of Tourist Development, June 30, 2008

HB 2451 (Kernell) - Reauthorize Victims Council, June 30, 2010

Health & Human Resources

Judy Narramore

Full Committee

The **Health & Human Resources Committee** met at noon on Tuesday, February 17 with five bills on calendar. **HB 1107** by Rep. Kent that deletes the current exemption for Shelby County from the requirement that a birthing institution, which receives a voluntary acknowledgement of paternity, must forward a copy of such acknowledgement to the local Title IV-D child support office where the mother resides if the mother is receiving temporary public assistance was referred to C&R. **HB 2336** by Rep. Bowers that extends the *Obesity Study and Prevention Act* from 2004 to 2008 was referred to FW&M. The Act (Public Chapter 658 of 2002) directs the Department of Health to study obesity and evaluate treatment methods. The research study is subject to funding from gifts, grants, and donations and is to receive no state funds. The Act is scheduled to terminate June 30, 2004, because private funds are not available to conduct the study. **HB 2241** by Rep. Armstrong concerning reflexologists was rolled one week. **HB 2872** by Rep. Shepard concerning anatomical gifts was rolled one week. **HJR 0836** by Rep. Bowers that creates a special joint committee to study Hepatitis C was rolled two weeks.

The committee then heard testimony from representatives of the Lisa Ross Birth & Women's Center in Knoxville. The Department of Mental Health & Developmental Disabilities presentation scheduled on the calendar was postponed.

Mental Health Subcommittee

The **Mental Health Subcommittee** did not have bills on calendar and did not meet Tuesday afternoon.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** did not have bills on notice and did not meet this week.

Public Health & Family Assistance Subcommittee

Wednesday morning, February 18 the **Public Health & Family Assistance Subcommittee** met to consider seven pieces of legislation. **HJR 0740** by Rep. Bowers was referred to full committee. As amended, HJR 0740 creates a special joint committee to study the prevalence of cervical cancer and human papillomavirus in women in the State of Tennessee and evaluate methods of public education and access to screenings and new technologies. **HB 2076** by Rep. Rowland that authorizes the animal control director in Rutherford County, instead of the county trustee, to collect animal control registration fees and to post a bond in sufficient amount to assure that funds collected are properly administered and paid to the county was referred to full committee. **HB 2443** by Rep. Litz concerning day care ratios failed for lack of a second. **HB 2602** by Rep. Godsey concerning prescribing or dispensing of prescription drugs to minors was rolled two weeks at the request of the sponsor. The subcommittee deferred consideration on **HB 2810** by Rep. Cooper (TennCare eligibility redetermination for disabled persons) pending comment by TennCare Oversight. Rep. Sontany rolled **HB 2922** (family services counseling plan) three weeks. **HB 3015** by Rep. West concerning alarms in day care center vehicles was rolled one week at the request of the sponsor.

Health Care Facilities Subcommittee

Eight fire safety related bills were on calendar for the **Health Care Facilities Subcommittee** Wednesday afternoon.



Chairman Overbey

HB 2198 by Rep. Sontany was referred to full committee. As amended, HB 2198 requires all long term care facilities to disclose in writing, to a potential resident or their representative, that the facility does not have a fire suppression sprinkler system throughout the facility, a smoke detector or alarm in each patient room, or neither of these systems. If the facility has a website, this information must also be on that website. The Department of Health is required to post on the State of

Tennessee website whether a licensed long term care facility has a sprinkler system or a smoke detector or alarm in each patient room. Rep. M. Turner rolled **HB 2215** (nursing home sprinklers) two weeks and took **HB 2216** (disclosure) off notice. Representative Overbey rolled **HB 2554** (fire safety caption) one week and **HB 2949** (liability insurance for long term care facilities) two weeks. The remaining three bills on calendar (**HB 2585** by Rep. Hagood and **HBs 2932** and **3415** by Rep. Curtiss) were rolled one week by Chairman Overbey.

Judiciary

Paige Edwards

Criminal Procedure & Practice

On Tuesday, the **Criminal Procedure & Practice Subcommittee** met to consider eleven bills. HB 2661 by Representative Briley, HB 3053 by Representative Newton, and HB 2753 by Representative Vaughn were rolled for one week. HB 3007 by Representative Hargrove, HB 2796 by Representative Curtiss, and HB 2343 by Representative Ferguson were rolled for two weeks.

The following five bills were approved for passage and were **sent to the full committee**:

- HB 2884 by Representative Coleman, as amended, adds another theft provision to the code. This bill creates a Class A misdemeanor for a person to knowingly record a motion picture without proper consent.
- HB 2695 by Representative Maddox increases the penalty for sexual exploitation of a minor. Such offense would be punishable as a Class C felony. Under present law, the penalty for sexual exploitation of a minor is punishable as a Class E felony.
- HB 2326 by Representative McDonald prohibits excessive amplification of sound from a motor vehicle. Such conduct would be punishable as a Class C misdemeanor when the sound is plainly audible at a distance of 50 feet or more from the vehicle or when the sound is plainly audible beyond a private property line. The offense would be punishable by a fine of up to \$50.00. Essentially, this bill applies to noise related issues in rural areas that are not covered by municipal ordinances.

- HB 2197 by Representative McDonald, as amended, creates another vandalism offense. This bill creates an offense for vandalizing highway structures or buildings. Also, this bill provides a \$100 reward for reporting such acts of vandalism. The reward money would come from fines for highway vandalism that are collected by the court clerks. Excessive funds that are collected from fines may be expended for litter control programs.
- HB 2813 by Representative Coleman authorizes the department of children's services to request a criminal history background check of each adult residing in a home where a foster child is placed for emergency situations.

Constitutional Protections Subcommittee

The **Constitutional Protections Subcommittee** was cancelled this week. HB 1637 by Representative West was rolled for one week.

Judicial Administration Subcommittee

On Tuesday, the **Judicial Administration Subcommittee** met to consider two bills. HB 2306 by Representative Matheny was rolled for one week. HB 3130 by Representative Overbey was referred to the **Judiciary Committee**. HB 3130 allows the county clerk of Blount County to serve as clerk of the court with probate jurisdiction.

Civil Procedure & Practice Subcommittee

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider nineteen bills. HB 1962 by Representative Garrett was taken off notice. HB 986 by Representative Overbey was rolled for three weeks. HB 2735 by Representative Bunch and HB 761 by Representative Todd were rolled for two weeks. The following bills were rolled for one week: HB 2740 by Representative Bunch, HB 2307 by Representative Matheny, HB 2145 by Representative Davidson, HB 2547 by Representative Fowlkes, HB 2384 by Representative Curtiss, HB 3054 by Representative Newton, HB 3055 by Representative Newton, HB 2911 by Representative West, HB 1004 by Representative Clem, and HB 1057 by Representative McCord.

The following five bills were approved for passage and were **referred to the full committee**:

- HB 2885 by Representative Coleman amends the present law concerning medical records. This bill makes technical corrections in the code to coincide with the language that is used in the federal law.
- HB 3041 by Representative Briley establishes the "Commonsense Consumption Act." This bill exempts a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of food from civil liability for any claim arising out of weight gain, obesity, or health condition that results from long-term consumption of food. Although, these entities would be civilly liable when there is a material violation of law that is related to food and the claimed injury was proximately caused by such violation. Furthermore, this bill provides requirements for initiating a civil action and for preserving evidence that is needed for discovery purposes.
- HB 2595 by Representative Curtiss requires the owner of any new subdivision development to provide notice indicating that such development is located in the vicinity of an established shooting range.
- HB 2999 by Representative Newton reduces the time that shall elapse before a garagekeeper or towing firm may enforce a lien upon a vehicle. Under this bill, the lien may be enforced after 30 days. Under present law, the lien may be enforced after 60 days.
- HB 2351 by Representative Briley clarifies what colors shall be used to imprint a notary's seal of office upon a document. Under this bill, the stamp shall imprint the seal of office in a primary color, excluding yellow, or other secondary or tertiary color, excluding black. Essentially, this legislation will provide a means for determining original documents from copies. Also, this bill revises the present law for notaries at large and clarifies that the official seal may be imprinted by a rubber or other type stamp.

The Full Committee

On Wednesday, the **Judiciary Committee** met to consider eight bills. HB 1834 by Representative Bunch was taken off notice. HB 2906 by Representative Hackworth and HJR 773 by Representative Brooks (Shelby) were rolled for one week. HB 2935 by Representative Rinks was rolled for three weeks.

The following four bills were approved for passage and were referred to **Calendar & Rules**:

- **HB 2207** by Representative Brooks (Knox) revises the present law concerning confidential student records under the public records act. Under this bill, post-secondary institutions are authorized to disclose student information, subject to the Family Educational Rights and Privacy Act (FERPA). The provisions of this bill would apply to disciplinary actions in which the final results or final determinations were reached on or after October 7, 1998. Essentially, this bill addresses issues that were discussed in a recent Attorney General Opinion.
- **HB 2277** by Representative Coleman authorizes another use of revenue collected from expungement fees. Under this bill, such proceeds would be used for computer system support and maintenance expenses incurred by the information systems division of TBI.
- **HB 2290** by Representative Coleman revises the present law related to background investigations for executive or judicial appointees. This bill authorizes the governor or the chief justice of the Tennessee Supreme Court to request a background investigation for any prospective appointee. The background investigation would be conducted by the TBI. This bill specifies that appointees considered for homeland security positions would be subject to the background investigation. The prospective appointee would pay the cost associated with the background investigation.
- **HJR 2905** by Majority Leader McMillan codifies the acts of 2003 of the 103rd General Assembly.

State & Local Government

Lawrence Hall, Jr.

The Full Committee

This week in **State and Local Government** 's full committee, **HB 2352**, by Rep. Overbey, was passed to the Finance, Ways, and Means Committee. This bill eliminates the 30 day time period as a prisoner of war in order to qualify as a disabled veteran for property tax relief. **HB 2213**, by Rep. Wood was passed to the Calendar and Rules Committee. This bill allows a person to vote in a municipal election in Collegedale if such person owns at least 50% fee simple interest in

property in Collegedale. **HB 2272**, by Rep. Shaw will allow a full-time employee of local government, a public housing authority, or a 501(c)(3) entity to serve as a member of the Tennessee Housing Development Agency (THDA). This bill was also passed to Calendar and Rules.

State Government Subcommittee

State Government Subcommittee passed HB 2880, by Rep. Hood to full committee. This bill names a classroom building in honor of Senator Andy Womack at the Tennessee Fire Service and Codes Enforcement Academy in Bedford County. HJR 815, by Rep. Yokley was passed to the full committee. The resolution urges the recognition of God and the freedom of religion as the foundation of our state and national heritage.

HB 3250, by Rep. Tindell enacts the "Tennessee Charitable Gaming Implementation Law." This bill creates a process for charitable organizations with 501(c)(3) status to hold one game of chance per year. It was passed to full committee. HJR 788, by Rep. Miller was also passed to full committee. This resolution proposes an amendment to the Constitution which will authorize casino gambling only in Shelby County.

Local Government Subcommittee

Local Government Subcommittee passed HB 2890 by Rep. Head and HB 3120 by Rep. Yokley to full committee. HB 2890 creates methods for filling vacancies as well as removing commissioners on utility district boards of commissioners. HB 3120, by Rep. Yokley places all references to a sheriff's duties into one section of the code.

Elections Subcommittee

Elections Subcommittee passed HB 3175 by Rep. McMillan to full committee. This bill allows county election commissions to establish an internet-based electronic filing process for local candidates and political campaign committees for local elections.

Transportation

Greg E. Adkins

Full Committee

The **full Transportation Committee** met on Wednesday, February 18, 2004, and considered three bills. **HB 2596** by Rep. Winningham was rolled three weeks--"Big South Fork Parkway" sign on S.R. 63 in Scott and Campbell Counties. **HB 2805** by Rep. Hagood was rolled one week pending an amendment. The bill would require cultural and specialty earmarked license plates to be issued administratively by the Department of Safety, instead of by specific legislative enactment. The plates cannot be issued if the Commissioner determines they are obscene, duplicative, or interfere with motor vehicle enforcement. **HB 453** by Rep. Kent passed to C&R as amended. The amended bill clarifies that if a traffic signal is not functioning at an intersection, oncoming traffic must treat the signal as if it were a stop sign.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met on Tuesday, February 17, 2004, and considered nine bills. Of the nine bills, two passed to full committee. **HB 2846** by Rep. Dunn passed to full Committee as amended. The amended bill clarifies that existing statute concerning rear light illumination for license plates only applies to motor vehicles or tractor trailers at the end of the train of vehicles and not to individual motor vehicles. **HB 2975** by Rep. DeBerry (John) was passed to full committee. The bill increases the \$1.50 Shelby County Clerk fee for issuing motor vehicle license plates to \$2.50.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on Wednesday, February 18, 2004, and considered eleven bills.

The following highway sign bills passed to full committee:

1. **HB 2141** by Rep. Head--"Roscoe Pickering Memorial Bridge" sign in Montgomery County (amendment designating a new bridge).
2. **HB 2140** by Rep. McDonald--"Corporal Patrick R. Nixon Memorial Bridge" sign in Sumner County.
3. **HB 2674** by Rep. Stanley--"Robert C. Lanier Bridge" sign in Shelby County.

HB 2191 by Rep. Walker was rolled one week--"Raymond Shadden Memorial Highway" sign near Crossville. **HB 2267** by Rep. Harmon was rolled one week--"Grady Lester Davis Memorial Highway" sign in Sequatchie County. **HB 2235** by Rep. Brooks (Shelby) did not advance to full committee due to a lack of a

second. The bill authorized the "Birthplace of Isaac Hayes" highway sign on U.S. Highway 51 in Tipton County. **HB 2555** by Rep. McDaniel was rolled one week--"Hearn's Lane" highway sign. **HB 2182** by Rep. Patton was withdrawn.

The following special license plate bills passed to full committee:

1. **HB 2789** by Rep. Hargrove authorizes the issuance of the Tennessee Councils of Boy Scouts of America new specialty earmarked plates. The amendment clarifies that the funds raised in the bill would be distributed based on what each Boy Scout Council sold.
2. **HB 2540** by Rep. Patton authorizes the issuance of the Children's Hospital at Johnson City Medical Center new specialty earmarked plates.
3. **HB 2814** by Rep. Pruitt authorizes the issuance of the Promotion of Organ Donation Awareness in Tennessee new specialty earmarked plates.

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Reminder of Budget Hearings February 19th, 24th, 25th, 26th

ALL MEETINGS IN ROOM 16

THURSDAY, FEBRUARY 19TH, after session

Administrative Office of the Courts
Post Conviction Defenders
District Attorneys
Public Defenders

TUESDAY, FEBRUARY 24TH, 1:30 p.m.

Treasury

WEDNESDAY, FEBRUARY 25TH, 1:30 p.m.

K-12
State Board of Education

THURSDAY, FEBRUARY 26TH, after session TN Higher Education Commission

Budget Hearings

Department of Financial Institutions

Julie Travis

Research Analyst, Finance, Ways & Means

Commissioner Kevin Lavender presented the Department of Financial Institutions' budget request for the 2004-05 fiscal year to the full committee on the February 10th meeting. The **budget request for FY 2004-05** is a total of **\$10,589,900**, which included an improvement of \$1,029,400. Of those improvement dollars, \$762,900 will come from State-appropriated dollars. The Department continues to be self-funded, with its revenues derived entirely from the assessments done on the institutions the Department regulates. The State-chartered and licensed financial institutions that the Department regulates include: commercial banks; trust companies; savings institutions; credit unions; industrial loan and thrift companies; business and industrial development corporations; deferred presentment and check cashing companies; mortgage lenders, brokers, and servicers; insurance premium finance companies; and money transmitters.

With 117 currently authorized positions in the base budget, the Department is asking in **recommended improvements** for an additional nine positions in the Bank and Compliance Examiners Division and two additional positions in the Operations Division. Of the nine in the **Bank and Compliance Examiners Division**, five will be bank examiners who assist with the supervision and inspection of State-chartered banks, savings and loan associations, and trust companies, and four will be compliance examiners who assist with the examination of the non-deposit companies. The total improvement amount for this allotment code equals \$491,600, with \$279,200 of that being State dollars. The two improvement positions that were requested in **Operations** would assist with activities carried out by the administrative and legal sections. Along with payroll expenses, these newly designated funds in the Operations Division will also go toward general governmental costs that the Department of Financial Institutions is assessed by the Department of Finance and Administration. According to the Commissioner, this improvement funding would help repair a former discrepancy where monies were previously taken from the operating budget's payroll savings (savings due to departmental understaffing) to pay for operating costs of the Department. The total request for the Operations Division totaled \$389,100, of which \$350,200 is total State funding. The Department is also asking for an improvement item in the **Communications and Technology Division** (Total = \$148,700, of which \$133,500 is State dollars), which provides funding to replace computer equipment that is no longer compatible with current software requirements and to provide communications equipment for examiners. All of the State funding for the Department's improvements is derived from the dedicated Annual Banking Fee assessed on the regulated institutions.

The Department's base budget changed this year in the **Consumer Affairs Division**. Consumer complaints related to financial services have increased steadily over the past few years. The Department did not have previous authority to handle such complaints, thus precipitating the need for developing its own Consumer Affairs Division to deal with such financial-related complaints. This new division is intended to foster community outreach and encourage financial literacy within the State. The revenue expansion includes three new Consumer Resource Specialist positions and one administrative services assistant position, totaling

\$231,000 (the funding of which would include a transfer in the amount of \$207,900 from the Annual Banking Fee and \$23,100 from Current Services Revenue).

The Commissioner also advised the members that the Department has established a consumer affairs division to educate the public on the practice of predatory lending. *(continued on the next page)*

Significant dialogue was held regarding predatory lending, bank consolidation vs. community banks, how the Department is helping troubled banks and credit unions, performance-based budgetary measures, payday lenders, and the need for extra State auditors in order to alleviate a heavy reliance on federal auditors.

The Governor's 5% reduction proposal did not include this Department because it is funded from a dedicated revenue source, and any reduction would not have a positive impact on the general fund. Reducing the Department's budget would also hinder the its ability to fulfill its regulatory mission and obligations. However, the Commissioner did advise that the Department contributed to the general fund in reverting the amount of \$906,066.95 during Fiscal Year 2003.

Attorney General and Reporter

Denise Sims

House Research Division

Attorney General Paul Summers made his budget presentation before the Finance Committee on Tuesday, February 10th.

The **total 2004-05 recommended budget** for the Office of Attorney General and Reporter is **\$27,359,000** of which **\$17,302,900 are state dollars**. A \$5,500 payroll improvement request is included. A look at the budget shows:

<u>AG & Reporter</u>		
Payroll (318 F/T Positions)	\$19,784,200	
Operational	6,460,200	
		\$26,244,400 (State: 16,972,200)
<u>Publication of Reports</u>		
Payroll (2 F/T Positions)	80,100	
Operational	62,100	
		\$ 142,200 (State: 142,200)
<u>Special Litigation</u>		
Payroll	0	
Operations	972,400	
		\$ 972,400 (State: 188,500)
Total		\$ 27,359,000 (State: \$17,302,900)

The \$27,359,000 shows little difference from the estimated 2003-04 total of \$27,369,000. General Summers reminded members that he had not asked for a budget increase in the last couple of times appearing before the committee, but he reiterated the fact that salary upgrades are needed to be competitive.

General Summers said the most pressing need in his office is salary money. He pointed to the fact that last year, the office lost a half dozen attorneys who accepted higher salaries at other government agencies. In the written

presentation given to committee members, it stated that they are not only losing attorneys; experienced secretaries, paralegals, investigators and support staff are also critical to the performance of the office. The Attorney General's office contains sixteen divisions and employs 165 attorneys. General Summers informed the committee that his office returns many times the assets invested in his office in the form of state dollars saved or recovered. In the last fiscal year (2002-03), his office opened 1,511 criminal cases and over 9,000 civil cases.

Department of Economic and Community Development

Denise Sims

House Research Division

Commissioner Matt Kisber presented the department's budget on Wednesday, February 11th. The **total recommended budget request for FY 2004-05 is \$94,638,300**, broken down as follows:

State	\$ 48,093,900
Federal	34,829,300
Other	<u>11,715,100</u>
	\$94,683,300

2004-05 Base Budget	\$ 75,842,200	(2003-04 Est: \$78,984,800)
2004-05 Improvements	<u>18,796,100</u>	
	\$ 94,638,300	

Those **improvement requests**, all operational, **total \$18,796,100** and include \$10.6 million for the *FastTrack Job Training Assistance Program*, \$8 million for the *FastTrack Infrastructure Development Program* and \$196,100 for Regional Grants Management.

- The *FastTrack* Initiative, created by Executive Order #15 (December, 2003), offers customized training assistance to new and expanding business and industry in the state. The training assistance is an incentive for those employers to locate or expand in Tennessee.

- The *FastTrack* Infrastructure Development Program helps local communities by providing grants for: 1) infrastructure improvements such as water, wastewater, and rail services; 2) industrial site preparation including grading, leveling and drainage projects; and 3) industrial training.

- Regional Grants Management oversees the administering of Community Development Block Grants, Appalachian Regional Commission Grants, and Delta Regional Authority Grants. It also provides local planning services to cities and counties in Tennessee.

The *FastTrack Assistance Program* falls under the department's area of Business Services. The *FastTrack Infrastructure Development Program* and Regional Grants Management fall under the area of Community Development Services.

There were no requests for additional personnel; the base budget reflects the department's maintaining the 206 positions it now holds.

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Department of Agriculture
Matt Barnes
Research Analyst, Agriculture

Commissioner Ken Givens presented the Department's 2004-2005 recommended budget to the Finance, Ways, and Means Committee on February 11, 2004. To comply with Governor Bredesen's budget adjustment guidance that called for a 5 percent reduction in recurring funds, the Department's reduction would have had to total \$1,702,900. The Department went beyond that and submitted to the Governor a budget reduction of \$2,932,000. However, after the Governor made his recommendations, the total reduction in the Department's budget amounts to **\$1,124,000**, representing a **3.3 percent reduction**.

The Department plans to cut one full-time vacant position from its Regulatory Services division, as well as two full-time filled positions from the Market Development division. All seedling nursery and tree improvement activities will be consolidated and conducted only at the East Tennessee Nursery, effecting the closure of the state's other nursery in Delano, Tennessee. Four full-time and four seasonal positions will be cut, although the Department vowed it would attempt to place those persons in other vacancies.

Funding for the Department's budget is as follows:

State Appropriations	\$ 59,643,000
Federal Revenue	10,165,400
Other	8,706,600
TOTAL	\$ 78,515,000

The Department has 128 bulldozers used primarily for wildland fire suppression and, to a lesser extent, road construction, bed construction at seedling nurseries, and clearing storm debris from roads and other public lands. The current fleet ranges in age from 2 to 36 years; 52 bulldozers and 54 transport trucks are more than 15 years old. Concerned that the fleet is rapidly becoming unreliable and unsafe, the Department requested funding to enter into a contract with a bulldozer manufacturer and transport dealer to lease the equipment. However, to stay up to speed regarding safety, the Governor recommended the replacement of 100 fire suppression units (composed of one bulldozer and one transport truck), purchased through General Services.

Commissioner Givens stressed the need for purchasing this equipment by pointing out that half of Tennessee is forested, totaling about 160,000 acres. He said last year was the wettest year on record for the state and that the number of fires were down; however, 2001 was the driest, causing the death of a firefighter in Putnam County during the windy season. Since the weather in Tennessee is so unpredictable and since the latest wildfires in California caused such destruction to property and human lives, Commissioner Givens claimed the Department must stay on top of the issue.

Commissioner Givens noted the progress in the Boll Weevil Eradication Program, stating the Department is close to complete eradication but that it will have to remain vigilant in order to keep the boll weevil numbers down.

Speaking generally about the state of agriculture in Tennessee and the rest of the country, Commissioner Givens said it has been a good year. He claimed yields per acre and dollars per unit are up, particularly for cotton and soybeans, and the beef industry is still quite strong despite the mad cow scare late last year. On the other hand, he said the tobacco industry has been sharply declining and revenues are less than half what they were in 1998.

The Department will begin performance-based budgeting next year.

Tennessee Housing Development Agency

Kristina Ryan

Research Analyst, Government Operations

On February 11, 2004, the Tennessee Housing Development Agency (THDA) addressed the House Finance, Ways and Means Committee about the department's budget for the 2004-05 fiscal year. Executive Director Janice Myrick represented the agency. The mission of the Tennessee Housing Development Agency is to provide low interest mortgages to low income individuals so they can find safe and affordable housing.

For thirty years, the Tennessee Housing Development Agency has helped approximately 83,000 homeowners with their mortgages and has infused around four billion dollars into the mortgage industry. In the past year, THDA has helped approximately 35,000 Section 8 tenants process payments. Director Myrick also informed the committee about a new forty five million dollar program THDA has instituted for providing relief for low-income natural disaster victims in seventy counties.

The THDA projected budget for fiscal year 2004-05 is **\$ 265,262,200.00**. Most all of the funding comes from the federal government. THDA receives no funding from the state; however, the state must approve the use of part of the federal money for administrative purposes.

Improvements in the budget include four new positions: three new Project Managers and one additional Contract Administration Specialist. The additional positions are needed in order to allow THDA to meet its contractual obligations. In addition, small improvements for training, new computers and new telecommunications equipment provide the rest of the improvements, which total **\$192,400.00**.

Department of Tourist Development

Greg Adkins

Research Analyst, Environment and Conservation

The Commissioner of the Department of Tourist Development, Susan Whitaker, presented the House Finance Committee with the Department's recommended reductions in the base budget on Wednesday, February 11, 2004. The Commissioner also reviewed the department's fiscal year 2004/05 budget request, which includes zero federal dollars.

Tourism Revenue Sources for the Fiscal Year 2003/04 budget:

State Funding	\$7,059,000
Current Services	\$2,015,000
Interdepartmental	\$4,561,800
Total	\$13,635,800

The Department's fiscal year 2003/04 budget included \$7,479,400 of state dollars only, while the recommended fiscal year 2004/05 state appropriation to the budget was \$7,059,000. The reduction of state appropriated dollars encompasses a (\$1,800) one time non-recurring item, centralization of printing and photographic services (\$44,700) and (\$373,900) in general cuts. The (\$373,900) cut represents the department's 5% base budget reduction in the advertising, promotional, marketing and administrative programs.

Commissioner Whitaker also stated that the Department was focusing on new ways to advertise in what she calls "non-traditional" methods of advertising through a new webpage, emails, and RFP's that will include a private and public partnership.

Department of Correction

Lawrence Hall, Jr.

Research Analyst, State and Local Government

On February 12, 2004, Commissioner Quinton White of the Department of Corrections presented the department's 2004-2005 budget request to the House Finance, Ways, and Means committee. The commissioner started by stating that "the department uses 93.25% of the state appropriated amount to fund activities that directly impact the public safety of Tennessee citizens. The remaining 6.75% of the department's state appropriation funds program areas that provide support services to the department's institutions." The department is also responsible for managing 12 adult facilities as well as 3 privately operated adult facilities.

The **total recommended 2004-2005 budget** for the Department of Corrections is **\$518,710,200**. This number represents a base total of \$500,867,500 and \$17,842,700 in department improvements. Improvement requests are categorized in three different areas: capacity, contract, and health services. The improvement request for capacity is for an additional 136 beds at Turney Center Industrial Prison and for the housing of state felons in local jails. Contract increases are necessary to meet obligations for three privately operated facility agreements. The health services improvement will add 29 nursing positions at the Lois DeBerry Special Needs Facility.

Improvements:

Capacity

State Prosecution Account	\$13,163,800
Turney Center Industrial Prison and Farm	\$ 595,700

Contract

Hardeman County Correctional Facility	\$ 669,600
Whiteville Correctional Facility	\$ 531,000
South Central Correctional Center	\$ 735,400
All Institutions (Health Services)	\$ 1,113,200

Health Services

Lois DeBerry Special Needs Facility	\$ 1,113,200
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The department has proposed reductions totaling \$2,402,000. This amount will affect payments made to local facilities for housing state felons by:

- Setting reimbursement for non-contract counties based whether the jail is over or under the TCI population capacity.
- Enforcing existing state guidelines for reimbursement of reasonable and allowable cost.



The Board of Probation and Parole

Lawrence Hall, Jr.

Research Analyst, State and Local Government

On February 12, 2004, the Board of Probation and Parole presented to the House Finance, Ways, and Means Committee its budget for fiscal year 2004-2005. Mr. Charles Traugher, Chairman of the Probation and Parole Board, made the presentation and stated that the function of the board is to "oversee the release of convicted felons to parole and provide subsequent community supervision." Chairman Traugher further stated that the board's mission also includes "supervising offenders placed on probation or in community corrections programs by state courts." *(continued on the next page)*

The board made a **total budget request** for fiscal year 2004-2005 of **\$56,400,00**. The board is also asking for funding to make **improvements in two different areas**:

▪ Probation and Parole Computer Equipment \$339,500

This improvement request is for the replacement and recycling of computer equipment. The funds will also be used to keep computer equipment current in order to meet statewide operational requirements.

▪ Community Corrections Pilot Project \$429,400

This improvement request is to fund a pilot project to determine if the Community Corrections program will be able to re-direct the sentencing of probationers to their programs and decrease the number that are sentenced to local facilities.

The board has proposed a budget reduction in the amount of \$1,195,900 with all reductions being in the area of Probation and Parole and none from Community Corrections Program.

Reductions:

▪ Personnel Funds \$1,001,100

This reduction includes the release of personnel "equity" funds and the abolishment of 10 vacant support staff positions. The abolishment will have some affect on the clerical, fiscal and personnel functioning;

however, no staff person will need to be released through RIF.

▪ Rent \$ 2,500

This reduction will have minimal impact to the board's programs.

▪ Communications \$ 1,500

This reduction will have minimal impact to the board's programs.

▪ Professional Service \$ 133,400

Only field services portions of this reduction in Professional Services will have a negative impact to operations in that fewer Offender Treatment services can be provided as originally proposed in the project.

▪ Printing \$ 27,700

This reduction will have minimal impact to the board's programs.

▪ Training \$ 17,800

This reduction will decrease the amount of out-service and in-service training.

▪Travel \$ 11,900

This reduction will have minimal impact to the board's programs.

(continued on the next page)

The board is very limited in additional operational funds available for reduction for 2004-2005. As a result, the board had to review staffing and determine the impact of the loss of individual positions or classifications on the board's program operations.

All information was obtained from information provided by the Board of Probation and Parole.

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The Research Review

